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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,817	02/05/2004	Brian Yu	MAT 3K2	8268

23581 7590 01/17/2007
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EXAMINER

MENDIRATTA, VISHU K

ART UNIT	PAPER NUMBER
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3711

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/773,817

Applicant(s)

YU ET AL.

Examiner

Vishu K. Mendiratta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18, 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 10-18,20-22 rejected under 35 U.S.C. 102(b) as being anticipated by May (4739992).

Claims 10-12,16,17,18,20-22: May teaches a playing surface (1) with spaces (2) and game pieces with arrow as directional indicia (25) and reversible by identification due to color (1:42-47).

May also teaches a method of playing whereby arranging game pieces on the game board (Fig.5-6), manipulating (capturing) and flipping over the opponent piece to change the color (3:51-59, 1:43-53). May clearly indicates manipulating a game piece according to power of the piece associated with the directional indicia (3:45-50) in the process to capture and invert a second piece.

With respect to "reorienting " in claim 13, reversing or flipping can be interpreted as "reorienting". With respect to claim 14, May teaches a player controlling all game pieces referring to all stacks/spaces having pieces with one player indicia (5:33-35).

With respect to claim 15 May teaches game pieces moving to empty spaces (4:39-40).

2. Claims 13-17,20-22 rejected under 35 U.S.C. 103(a) as being unpatentable over May in view of Price (4213615).

Claim 13,16,17,20-22: May teaches a playing surface (1) with spaces (2) and game pieces with arrow directional indicia (25) and reversible by identification due to color (1:42-47).

May also teaches a method of playing whereby arranging game pieces on the game board (Fig.5-6), manipulating (capturing) and flipping over the opponent piece to change

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the color (3:51-59, 1:43-53). May clearly indicates manipulating a game piece according to power of the piece associated with the directional indicia (3:45-50) in the process to capture and invert a second piece.

May teaches all limitations except that it does not clearly indicate reorienting (should the applicant mean rotating the game piece with the safe face up and not by flipping the piece). Price teaches various commonly used move definitions of game pieces as recognized in the art area including reorienting a game piece (3:43-48). In order to attract potential players, it would have been obvious to include well known moves such as demonstrated by Price. One of ordinary skill in art at the time the invention was made would have suggested providing commonly known moves in the game.

With respect to claim 14, May teaches a player controlling all game pieces referring to all stacks/spaces having pieces with one player indicia (5:33-35).

With respect to claim 15 May teaches game pieces moving to empty spaces (4:39-40).

3. Claims 10-16,18,20-22 rejected under 35 U.S.C. 102(b) as being anticipated by Denoual (6446969).

Claim 10,13,14,20-22: Denoual teaches a plurality of moveable pieces (12) having alignment indicia (black and white colors) on opposite sides, directional indicia (12w,12b white and black rings), a playing surface marked for spaces (Fig.1A) in a grid and spaces adjacent. Game pieces reversed to change the directional indicia for a different player from black to white (abstract). Denoual teaches variations in aesthetics of the game (10:24-36) including shape, size, material and indicia graphics. Denoual teaches a flat surface on top of pieces. Denoual in this manner teaches aesthetic variation of

game pieces. Denoual teaches a plurality of moveable pieces (12) having alignment indicia (black and white colors) on opposite sides, directional indicia (12w, 12b white and black rings), a playing surface marked for spaces (Fig. 1A) in a grid and spaces adjacent.

Denoual teaches arranging game pieces on the board (Fig. 1) and manipulating (capturing) an opponent game pieces by reversing to change the directional indicia for a different player from opponent piece to own piece.

Claim 11: Only one side of the piece visible when placed on board (Fig. 1).

Claim 12, 15, 16, 18: Game pieces moving on empty spaces according to the direction on game pieces (Fig. 13, 14).

Claim Rejections - 35 USC § 103

4. Claims 4, 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Denoual in view of May (4739992).

Denoual teaches all limitation including variations in aesthetics/indicia on game pieces. However the applicant might argue that Denoual does not expressly indicate a directional indicia on a game piece as arrow.

May teaches arrows on game pieces for direction (25).

Whereas any kind of indicia can be used for direction, an arrow more clearly indicates the direction. For the purpose of indicating direction without any confusion, it would have been obvious to use an arrow as indicia.

One of ordinary skill in art at the time the invention was made would have used arrows as indicia on pieces.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6109609,4778188,4715605,4299391.

Response to Arguments

6. Applicant's arguments with respect to claims 10-18,20-22 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vishu K Mendiratta
Primary Examiner
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VKM

August 24, 2006